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Letter dated 17 February 2017 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to submit herewith an updated briefing note on the situation in Burundi (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

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Annex to the letter dated 17 February 2017 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Updated briefing note on the situation in Burundi

Political dialogue as a way to move forward

1. In order to calm political tensions after the democratic elections of 2015, the President, Pierre Nkurunziza, set up the National Commission for the Inter-Burundian Dialogue to find lasting solutions to Burundi's political, economic and social concerns. The Commission has already submitted its preliminary report to the President and the Parliament. At the Summit of Heads of State of the East African Community, the President of Uganda, Yoweri Museveni, was appointed to mediate the inter-Burundian dialogue with all peaceful stakeholders and the former President of the United Republic of Tanzania, Benjamin William Mkapa, was appointed head facilitator of the dialogue.

2. The facilitator has already organized several dialogue sessions in Arusha, United Republic of Tanzania, and the process is proceeding normally. The objective of the dialogue is not to challenge the institutions elected in 2015, but rather to ensure that the post-electoral tensions of 2015 do not recur in the 2020 elections, to call for non-violence and a culture of peace and to create an environment conducive to the voluntary return of exiled politicians in preparation for the forthcoming elections in 2020.

3. The Government of Burundi remains committed to promoting an inclusive inter-Burundian dialogue, excluding only the 13 May 2015 coup plotters who are sought under international arrest warrants, in accordance with the principles of the African Union and the United Nations and Security Council resolutions 2248 (2015) and 2279 (2016).

Recent activities of the facilitator of the inter-Burundian dialogue

4. The inter-Burundian dialogue, facilitated by the former President of the United Republic of Tanzania, Mr. Mkapa, is continuing normally. From 16 to 19 February 2017, the facilitator is bringing together in Arusha several politicians from the opposition and from the ruling party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), from within and outside the country, for an exchange on the ongoing dialogue. Further dialogue sessions are planned in the near future. The facilitator plans to conclude the ongoing dialogue process before the end of 2017.

5. On 27 January 2017 in Addis Ababa, the representatives of the guarantors of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region reviewed recent developments in the region and discussed efforts to address instability in eastern Democratic Republic of the Congo, including support for the neutralization of armed groups. They also discussed dialogue processes in the Democratic Republic of the Congo and Burundi. With regard to Burundi, they reiterated their full support for the East African Community facilitation led by the former President of the United Republic of Tanzania, Mr. Mkapa. They

called upon all parties to desist from violence and respect the human and civil rights of all Burundians, and to collaborate with the facilitator with a view to accelerating the conclusion of the dialogue process.

6. On 16 January 2017, the facilitator brought together in Arusha several politicians from the opposition from within and outside of the country for an exchange on the ongoing dialogue.

7. On 1 December 2016, the facilitator of the inter-Burundian dialogue and former President of the United Republic of Tanzania, Mr. Mkapa, took the opportunity to update the stakeholders in the inter-Burundian dialogue as follows:

(a) At its seventeenth extraordinary session, held on 8 September 2016 in Dar es Salaam, United Republic of Tanzania, the participants at the Summit of Heads of State of the East African Community received and considered the progress report on the inter-Burundian dialogue from the facilitator. The report highlighted issues for consideration if sustainable peace and stability were to be restored in Burundi. The Summit adopted the recommendations of the facilitator on the way forward and re-emphasized the need for ownership and leadership of the process by the region in all aspects.

(b) On the basis of the Summit decision, a road map for the inter-Burundian dialogue process was developed and presented to the mediator, the President of Uganda, Mr. Museveni, on 2 November 2016. The road map provided for a series of engagements between December 2016 and June 2017 that would culminate in an agreement.

(c) The facilitator of the inter-Burundian dialogue, Mr. Mkapa, paid a visit to the Republic of Burundi from 7 to 9 December. The objective of the visit was to confer with the President, Pierre Nkurunziza, and other stakeholders on the status of the dialogue and the way forward.

(d) The facilitator had cordial discussions with President Nkurunziza and shared with him his vision of the interventions to be undertaken in the coming months in fulfilment of the mandate of the Summit of Heads of State of the East African Community.

(e) The facilitator shared his road map for the process, which included a number of consultations that would culminate in an agreement by June 2017.

(f) The facilitator consulted with political parties, the diplomatic community, civil society organizations, women's and youth groups, religious leaders and a number of prominent political actors.

(g) The facilitator appreciated the determination of all stakeholders to collectively put in place a forward-looking agenda that would precipitate credible elections in 2020.

(h) In his interactions, the facilitator recognized the readiness of all parties to engage with the non-violent external opposition in the dialogue process as part of the fulfilment of the commitment to inclusivity.

(i) The facilitator sensed a notable convergence on the fact that there was a tremendous improvement in the security situation, which all stakeholders should use to ensure that the process was concluded.

(j) The facilitator reiterated that the current impasse was a national problem that must be solved by the Burundians. They must therefore strive to establish common ground for dialogue.

(k) The facilitator further appreciated the readiness of development partners to engage more constructively with the national authorities towards actions that would support the revival of the economy of Burundi.

(l) The facilitator noted that throughout his interactions, the legitimacy of the Government of Burundi had not been called into question and urged all parties to the dialogue to focus on the future.

Human rights

8. The Government of Burundi attaches great importance to human rights issues. Burundi has adopted a zero tolerance policy in this area that we are working to implement. Burundi firmly adheres to the principles of objectivity, non-selectivity and non-politicization of human rights. Burundi recognizes, however, some isolated cases of human rights violations as elsewhere. It is for this reason that we have set up judicial inquiry commissions to shed light on allegations of human rights violations from the beginning of the insurrection to the present day and some reports have already been made public. It is well known that the promotion of human rights is a long process, an ideal for all, and that no nation has reached its peak, even after more than 100 years of democratic experimentation. For the young Burundian democracy, the road is still long, but the good will to do well is there and real. The support of partners remains necessary in this regard.

9. The dialogue between Burundi and the Office of the United Nations High Commissioner for Human Rights on the cooperation agreement between the Government of Burundi and its Office in Bujumbura is progressing normally and should be concluded in the near future.

10. Military and human rights observers from the African Union are also on the ground with full cooperation from the Government of Burundi.

Press freedom

11. In the area of press freedom, Burundi recently authorized the reopening of three private radio stations that had been destroyed during the coup d'état on 13 May 2015 and the opening of new private radio stations. Today, more than 20 private radio stations are operating normally in Burundi. It should also be emphasized that there are no journalists in prison in Burundi. Efforts to improve the freedom of the press in Burundi are continuing. It is a long process, as it is everywhere, and support from the international community in the field of capacity-building is needed.

Civil society

12. Concerning civil society, Burundi has just cancelled the legal proceedings against 11 non-governmental organizations that had been closed during the investigations into the failed coup d'état of 13 May 2015. There is not a single member of civil society in prison in Burundi.

Judicial matters

13. Last year, the Government of Burundi cancelled 15 international arrest warrants for certain politicians and members of civil society and the media in exile abroad. It also freed 2,000 prisoners in 2016 and 2,000 others were granted a pardon by the President of the Republic on the occasion of his new year wishes for 2017.

14. In the context of the peacebuilding process, security, stability and national reconciliation in Burundi, the Government of the Republic of Burundi, on Monday, 23 January 2017, started the effective implementation of the presidential pardon in favour of 2,500 prisoners in the various prisons throughout the country, including those who were detained following the insurrectional movements of 8 March 2014 and 2015. To date, 1,900 of these prisoners have been released and the remaining 600 prisoners will be released in the next few days.

The way forward

15. In order to move forward, the international community should:

(a) Understand the situation in Burundi as a fundamentally political problem without any relevant ethnic dimension and discourage all stakeholders from any attempt to use the ethnic fibre for political gain, especially the politicians of the radical opposition in exile without a popular basis on the ground in Burundi.

(b) Continue to promote full respect for the principle of national ownership and the regional dimension in dealing with the situation in Burundi and let the Burundians first and then the region take the lead of the inter-Burundian dialogue process and avoid as much as possible any step towards imposing solutions from the outside. The role of the international community would then be limited to providing technical and logistical support in accordance with the key principles of the Charter of the United Nations. In the same vein, the sovereignty, territorial integrity, independence and unity of Burundi must be fully respected (see Security Council resolutions 2248 (2015) and 2279 (2016)).

(c) Change approaches in dealing with the situation in Burundi by replacing the disproportionate political pressure with incentive measures to commend the Government on its efforts to consolidate peace and stabilize the country. The measures taken include the effective resumption of cooperation with the European Union in sectors that are very relevant to the vulnerable population, such as health, education, agriculture, food security and direct budgetary support to the Government for vulnerable groups, namely women, children and youth. It will also be necessary to avoid, as far as possible, political pressure on Burundian troops deployed in peacekeeping missions in many countries. They are fighting against terrorism for our collective security.

(d) Understand that the convening of non-essential meetings on Burundi in the United Nations system may be a factor of destabilization rather than a factor in reducing political tensions. The opposition takes advantage of these meetings to commit terrorist acts in Burundi in order to attract the attention of the international community. The United Nations should continue to support the National Commission for the Inter-Burundian Dialogue and the mediation of the East African Community and allow it to lead the inter-Burundian peace process.

(e) Encourage the States that are sheltering the coup plotters of 13 May 2015 and other fugitive criminals sought by justice to hand them over to the Government of Burundi so that they can be brought to justice in conformity with national law.

(f) Encourage countries that have hosted Burundian refugees following the 2015 crisis and the Office of the United Nations High Commissioner for Refugees to facilitate their voluntary return to the country. The Government is ready to welcome them and settle them in their communities. In December 2016, the former President, Sylvestre Ntibantunganya, a member of the opposition, returned home after a year of exile in Belgium. He lives normally in the country without being disturbed and exercises all his constitutional rights. We encourage the other politicians who have fled the country to return home to build the economy of Burundi.

(g) Support the national Truth and Reconciliation Commission to shed light on the crimes committed in Burundi since independence with the aim of definitively reconciling Burundians and thus avoiding repeating the history of civil wars.

(h) Assist the Government of Burundi with multidimensional support to stimulate the economic and socioeconomic recovery of local communities. Efforts to address humanitarian, economic and social needs are urgently needed; however, addressing the root causes of the situation will require a broader and coherent humanitarian, socioeconomic, peacebuilding and resilience approach. Those efforts should run in parallel in order to help Burundi make progress in the implementation of the 17 global Sustainable Development Goals.

(i) Help rebuild trust between the Government and some members of the international community. We believe that the Peacebuilding Commission configuration should continue to serve as a forum for dialogue between Burundi and its international partners to move forward and avoid any counterproductive confrontations.

(j) Provide assistance to the Government in order to create an environment conducive to the holding of free, credible, democratic and transparent elections in 2020 in order to avoid the 2015 scenario and pave the way for a new era of sustainable peace and inclusive development.